

COUNCIL MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No.18/06-04

Location of Meeting: **Andrew Firebaugh Community Center**
1655 13th Street, Firebaugh, CA 93622

Date/Time: **June 4, 2018/6:00 p.m.**

CALL TO ORDER

ROLL CALL

Mayor Felipe Pérez
Mayor Pro Tem Marcia Sablan
Council Member Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

PRESENTATION

- *Swear-in Part-time Dispatcher Guadalupe Hernandez.*
- Gifty Kwofie and Martha Zarate from the Fresno County Department of Public Health presenting information on local tobacco control.

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on May 21, 2018.

PUBLIC HEARING

- 2. ORDINANCE NO. 18-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH (1) AMENDING MUNICIPAL CODE SECTION 25-29.2 TO CLARIFY COMMERCIAL CANNABIS ACTIVITIES IN THE M-2 ZONES; (2) REPEALING MUNICIPAL CODE SECTION 25-41.13 AND REPLACING IT WITH A NEW CHAPTER 25.5-1 TO ESTABLISH A NEW "CANNABIS CONTROL ORDINANCE," INCLUDING A REGULATORY FRAMEWORK FOR COMMERCIAL CANNABIS OPERATIONS AND PERSONAL USE CULTIVATION (MEDICAL AND RECREATIONAL/ADULT USE); AND (3) AMENDING MUNICIPAL CODE SECTION 25-67.3 "DEFINITIONS" TO DELETE AND MOVE CANNABIS-RELATED DEFINITIONS TO MUNICIPAL CODE SECTION 25-41.13. SECOND READING.**

Recommended Action:

Council receives public comment & approves Ord. 18-02.

NEW BUSINESS

3. **RESOLUTION NO. 18-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY FOR FISCAL YEAR 2018-19.**

Recommended Action: Council receives public comment & approves Res. No. 18-25.

4. **PRELIMINARY BUDGET PRESENTATION FOR FY 2018/19 – STREET FUNDS.**

Recommended Action: Informational Item Only.

STAFF REPORTS

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

5. **Government Code Section 54957**

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: Attorney.

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the Agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, June 1, 2018 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

New Tobacco Control Policy Definitions

June 4, 2018

By: Gifty Kwofie, MPH



Working For A Tobacco-Free Future



Department of Public Health
www.fcdph.org

Emerging Tobacco Products



The Tobacco Industry Has a Kids Menu



Flavors Hook Kids

The Tobacco Industry Has a Kids Menu



Flavors Hook Kids

The Tobacco Industry Has a Kids Menu



Flavors Hook Kids

Emerging Tobacco Products



This Is Not A Flash Drive



Emerging Tobacco Products



Dissolvables can be sold as lozenges, strips, or sticks.



Emerging Tobacco Products



Loose Chewing Tobacco



Plug Chewing Tobacco



Emerging Tobacco Products



Moist snuff



Dry snuff



Snus

Snuff is a finely ground tobacco that can be dry, moist or packaged in pouches or packets



THE RISKS OF SMOKING



NICOTINE



TAR



CARBON MONOXIDE



ARSENIC



CADMIUM



LEAD



FORMALDEHYDE



MERCURY



POLONIUM-210



BRAIN DAMAGE



LUNG CANCER



HEART DISEASE



LARYNX CANCER



GI DISEASE



BONE AND MUSCLE



SEXUAL DYSFUNCTION



CANCER



DEATH



CA updated and broadened definitions of “tobacco products” and “smoking”.

City of Firebaugh



The city needs to update their definition of “tobacco product” to align with the state’s definition.

Definition Loopholes in Firebaugh



REFERENCES

- Taylor, C and Douglas, D; (October , 2016) Updating Local Tobacco Control Ordinances with Model Policy Definitions (Power Point Slides)
- Change Labs Solution (2016) Tobacco Laws Affecting California retrieved from http://www.changelabsolutions.org/sites/default/files/2016_CA_Law_Booklet_FINAL_201611.pdf
- Smoking Cessation Leadership Center, University of California, San Francisco. (2012) Emerging Tobacco Products (Power Point Slides) Retrieved from https://smokingcessationleadership.ucsf.edu/sites/smokingcessationleadership.ucsf.edu/files/Documents/Webinars/webinar_28_nov_8_2012.pdf
- California department of public health (2016) New California State Laws. Retrieved from <https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/Tobacco21Law/RetailerLetterNewTobaccoLaw6616.pdf>
- Delnevo, C. D., & Hrywna, M. (2007). "A Whole 'Nother Smoke" or a Cigarette in Disguise: How R.J. Reynolds Reframed the Image of Little Cigars. *American Journal of Public Health*, 97(8), 1368–1375. <http://doi.org/10.2105/AJPH.2006.101063>



Any Question?

Smoke Free Apartment Presentation

June 4, 2018

Presented by :
Martha Zarate



Fresno Economic Opportunities Commission



Smoke-Free Apartments

Drifting Secondhand Smoke



Fresno
Economic
Opportunities
Commission

Sanctuary Transitional Shelter • Foster Grandparent Program • Sanctuary Youth Shelter • Rural Tobacco Education Program • WIC - Women, Infants and Children Local Conservation Corps (LCC) • Low-Income Home Energy Assistance Program (LIHEAP) • Café EOC • Fresno Street Saints • Housing Programs • Community Health Center • Early Head Start • Recycling • Transit Systems • Food Distribution • California Personal Responsibility Education Program (CAPREP) • Summer Food Program • Access Plus Capital • Weatherization • YouthBuild Charter School of California Central • Nielsen Conference Center • Head Start • School of Unlimited Learning (SOUL) • Adolescent Family Life Program (AFLP) • Sanctuary Outreach to the Streets (SOS) • Food Systems Initiative • Food Services • Central Valley Against Human Trafficking (CVAHT) • Safe Place • Urban South Youth Program • Self Help Credit Union • Valley Apprenticeship Connection

Tobacco Use

- Tobacco is the #1 cause of preventable disease and death. (CDC and Prevention 2004)
- 480,000 people die prematurely in the U.S. from smoking related diseases every year.
- The Air Resources Board identified Secondhand Smoke (Environmental Tobacco Smoke) as a TOXIC AIR CONTAMINANT, which may cause and/or contribute to death or serious illness



Fresno Economic Opportunities Commission

Secondhand Smoke

- 1 in 4 nonsmokers (58 million people) in the US are still exposed to secondhand smoke.
- 2 in 5 children (including 7 in 10 black children) are exposed to secondhand smoke.
- More than 1 in 3 nonsmokers who live in rental housing are exposed to secondhand smoke.



Fresno Economic Opportunities Commission

Secondhand Smoke Drifts Into Apartments

- Drifts out of open windows and doorways from smoker's units
- Moves through shared ventilation and heating vents into the units
- Electrical sockets, cracks in plaster, sheetrock, around pipes and other openings



Fresno Economic Opportunities Commission



Third-hand Smoke



Fresno Economic Opportunities Commission

How can children be protected from exposure to Secondhand and Third-hand Smoke

City officials can help protect children and adults nonsmokers from secondhand smoke in multi-unit housing.



Fresno Economic Opportunities Commission

Cities and counties are allowed to regulate smoking in people's homes

- There are no provisions in either state or federal law that prevents a city or county from restricting tenants from smoking in their apartment.
- The strong ordinance that prohibit smoking in units passed in Temecula, Calabasas, Belmont, Novato and Loma Linda have not been challenged in court.



Fresno Economic Opportunities Commission

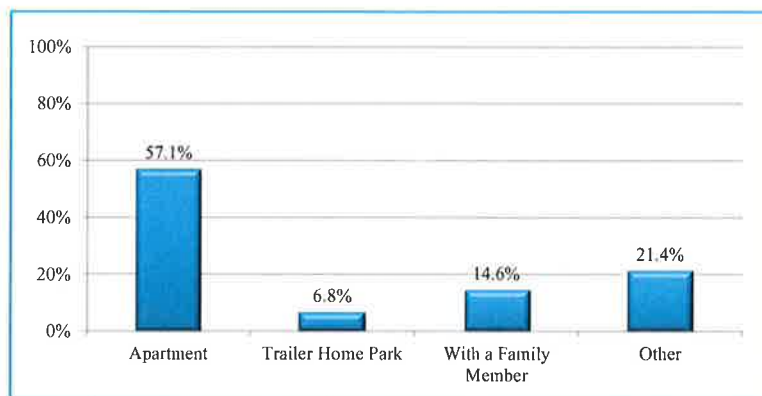
Public Opinion Surveys

Support for Tobacco-Free Multi-Unit Housing in the City of Firebaugh



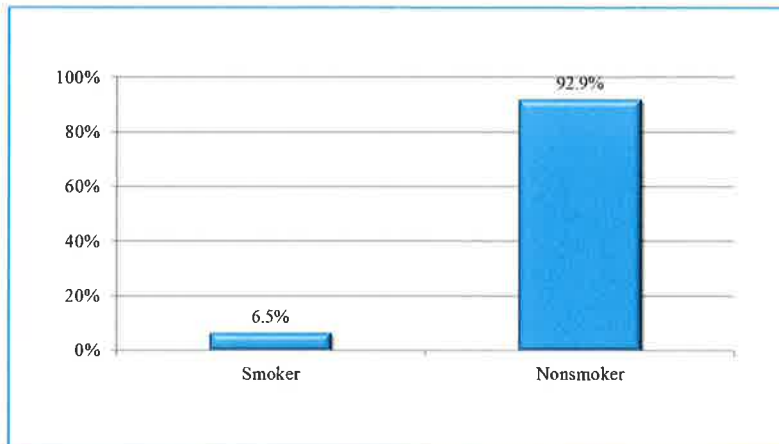
Fresno Economic Opportunities Commission

Type of Multi-Unit Housing Residence



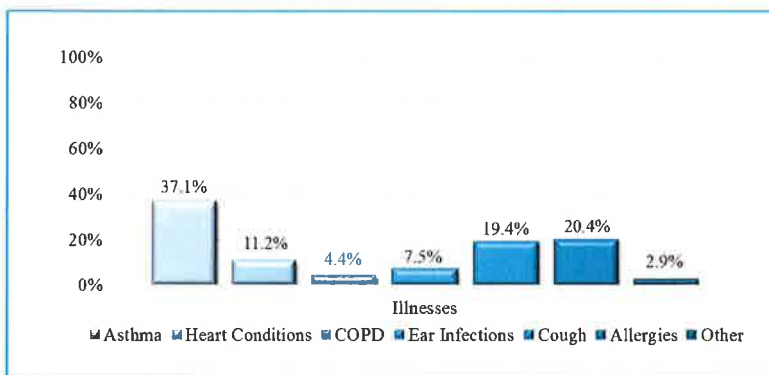
Fresno Economic Opportunities Commission

Smoking Status



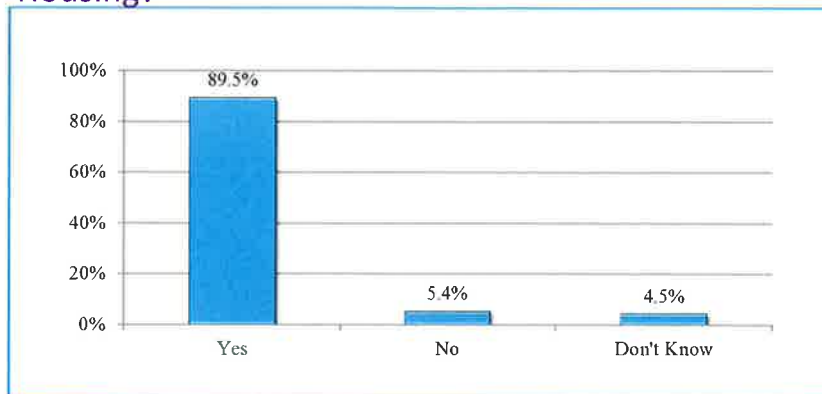
Fresno Economic Opportunities Commission

Respondents' Smoking-Related Diseases



Fresno Economic Opportunities Commission

“Would you support a city council policy in your city that does not allow smoking in 100% of individual units (including balconies and patios) in Multi-Unit Housing?”



Fresno Economic Opportunities Commission

HUD'S Smoke Free Ruling

- In December 2016, the Department of Housing and Urban Development (HUD) released its final rule to implement smoke-free housing in its low-rent public housing nationwide.
- People who smoke are not a protected class.



Fresno Economic Opportunities Commission

Contact Information

Rural Tobacco Education Program

1920 Mariposa Mall, Suite 300

Fresno CA 93721

Telephone (559) 263-1265

Email: Martha.Zarate@fresnoeoc.org

Website: www.fresnoeoc.org



Fresno Economic Opportunities Commission

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 18/05-21

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: May 21, 2018/6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Perez at 6:00 p.m.

ROLL CALL PRESENT: Mayor Felipe Perez
Mayor Pro Tem Marcia Sablan
Council Member Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins

ABSENT:

OTHERS: City Attorney Meggin Boranian; City Manager/Acting Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; Attorney James Sanchez, Wanda Breshears & others.

PLEDGE OF ALLEGIANCE Council Member Sablan led pledge of Allegiance.

PUBLIC COMMENT None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on May 7, 2018.

Council Member Valdez requested an amendment to the minutes under his staff report, change word: mainstream to streamline.

Motion to approve minutes with amendment by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

2. WARRANT REGISTER – Period starting April 1, and ending on April 30, 2018.

April 2018	General Warrants	#36517 - #36630	\$ 492,236.53
	Payroll Warrants	#69453 - #69549	\$ 215,907.25
TOTAL			\$ 708,143.78

Council Member Lopez asked about check # 36600 Resources Recycling & Recovery \$ 5,000. Staff responded the check was, unspent funding from the Cal Recycle CCPG Grant FY 14-15. Council Member Lopez also inquired about Check # 36583 Sparkletts amount \$206.02, why is the city providing employees water service, when the city charges the residents for water. Another concern she stated is lunch expense for staff meeting or other lunch meetings.

Motion to accept warrants by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

PUBLIC HEARING

3. **ORDINANCE NO. 18-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH (1) AMENDING MUNICIPAL CODE SECTION 25-29.2 TO CLARIFY COMMERCIAL CANNABIS ACTIVITIES IN THE M-2 ZONES; (2) REPEALING MUNICIPAL CODE SECTION 25-41.13 AND REPLACING IT WITH A NEW CHAPTER 25.5-1 TO ESTABLISH A NEW "CANNABIS CONTROL ORDINANCE," INCLUDING A REGULATORY FRAMEWORK FOR COMMERCIAL CANNABIS OPERATIONS AND PERSONAL USE CULTIVATION (MEDICAL AND RECREATIONAL/ADULT USE); AND (3) AMENDING MUNICIPAL CODE SECTION 25-67.3 "DEFINITIONS" TO DELETE AND MOVE CANNABIS-RELATED DEFINITIONS TO MUNICIPAL CODE SECTION 25-41.13. FIRST READING – CONTINUED TO MAY 21, 2018 AT 6:00 PM.**

Attorney James Sanchez, provide an update on the new laws and changes that require amending the city's current marijuana ordinance. The amendments to Marijuana Ordinance included the following requirements:

Adding Marijuana cultivation, manufacturing, testing, transportation, and distribution as a permitted land use subject to a CUP in the M-2 (Heavy Industrial) zone. Providing additional operating regulations in the "Special Uses" chapter (Chapter 41) of the Zoning Ordinance. These requirements include background checks, and no signage advertising the on-site activity. Prohibiting retail marijuana dispensaries and delivery within the City. Noticing of hearings related to the marijuana uses through the CUP process. Prohibiting marijuana or alcohol consumption on-site. Prohibiting minors from the site. That marijuana operation must be at least 600 feet from any school. That marijuana operation must comply with all building, health and environmental codes. That cultivation and processing must occur indoors with appropriate odor devices. That buildings be secure with fencing, electronic entry gates with card systems and monitoring alarm systems approved by the Police Department. Owner/Operator permits requiring a Police Department background check and setting forth the basis for denying permit, including past permit revocation. Employee permits requiring Police Department 30 days for a background check. Suspension and revocation procedures for permits. That marijuana operations may be deemed abandoned after ceasing operations for a 90 day period. City fees, including regulatory fees (covering actual cost of services), business license fees, and a revenue tax. Record keeping, inspection and access to marijuana operational records. Indemnification of City against any legal challenges and proof of insurance. Enforcement provisions and changes to the definitions in the previous ordinance.

Public Hearing Opened at 6:09 pm on April 16 and was continued to May 21 - No Comment - Public Hearing Closed at 6:16 pm.

Council Member Lopez asked for explanation between Federal Law and State Law, will or how will it impact the city?

Motion to waive the first reading of Ord. 18-02 by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

NEW BUSINESS

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER USE OF ANDREW FIREBAUGH COMMUNITY CENTER AND RODEO GROUNDS BY 420 COLLEGE FOR FESTIVAL EVENT ON OCTOBER 6, 2018.**

George Boyadjian of 420 College presented information for the facility use request. 420 College plans to hold a Mary Jane Festival, it will be the 1st in the Central Valley, this event is aimed to promote the health & wellness of cannabis while supporting local businesses. There will be live music, art, food, entertainment, purchase & consumption of cannabis. The total expectancy is about 5,000 people at the lower park of the rodeo grounds and the community center will be used for storage. Stated concerns are safety, smell, heat, Patron Safety, to address these concerns. There will be enclosed designated smoking areas, probably tents with carbon filtered system, which will also eliminate cannabis products and smoking not visible to the public. Water stations will be available to assist with heat. Will comply with all fire codes, Police Chief Regulations, & on-site EMTs will be present. The event is 21 & older only, No alcohol at event and will do all clean-up. Designated parking lots along HWY 33 throughout town, will contract with Lyft, Uber and buses to transport people to the event to avoid parking issues with local resident near the event. 420 College will donate back to the community, work with local non-profits on employing them for clean-up, and use event to educate and inform of alternative medicine to promote wellness. Vendors consist of local business (priority), food, merchandise (clothing/supplies, etc.), cannabis retailers, CBD and Hemp products. Fire Chief Borboa asked why hold event in Firebaugh, not in Fresno, and how can it be held at the Rodeo Grounds which is 600 sq. ft. of a school, a violation of State Law. Mr. Boyadjian responded, there is no school on Saturday, October 6, 2018. Wanda Breashers stated she strongly opposes, Firebaugh can be put on the map in a different way & the event is in her backyard. Council Member

Jenkins asked, "Why not have the event without consumption? if the purpose is to promote medical purposes, and asked will people attending purchase and leave with cannabis? Mr. Boyadjian replied, "People will be searched twice when entering the event but not leaving. People can have no more than an ounce per person (legally), but there is no way of preventing resale of the purchased products from the event and it is no different than an adult buying beer for a minor." Police Chief stated he is against this event, due to the concerns: 1) Public safety (Don't know how many people attending, police dept. is under staffed for that population of attendance & will not receive help from other agencies like during the festival. 2) Parking, although there is planned designated parking areas in town, people probably won't use them. 3) Firebaugh Police Dept. will not patrol the event inside due to exposure of the cops to 2nd hand spoke of cannabis. City Manager Gallegos added, not sure how 420 college can get around State Law requirement to have this event. Current Law only allows these events in a fairground or agriculture area (district), State Code. Attorney Sanchez advised, the law currently doesn't allow for such an event at this time. Attorney Boranian added the Council has no authority to approve at this time, this is an informational only item, if the law is changes and AB 2020 is approved the city will then have a choice. Council Member Sablan reminded public the City has a no smoking ordinance in city parks.

Informational Item Only.

5. RESOLUTION NO. 18-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE A MOTOR VEHICLE BILL OF SALE FOR THE PURCHASE OF A FIRETRUCK FROM MOUNT SHASTA FIRE PROTECTION DISTRICT.

Fire Chief Borboa, reported the finance loan has been approved with West America for the amount of \$300,000.00. \$250,000 for the purchase of the fire truck and \$50,000 for repairs and upgrades, payment due June 1, 2018.

Motion to approve Res. No. 18-23 by Council Member Lopez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

6. RESOLUTION NO. 18-24 - A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FIREBAUGH TO SUPPORT SENATE BILL NO. 3 (SB 3, BEALL) VETERANS AND AFFORDABLE HOUSING BOND ACT 2018.

Motion to approve Res. No. 18-24 by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

7. PRELIMINARY BUDGET PRESENTATION FOR FY 2018/19 – ENTERPRISE FUND.

Finance Director Martin provided a presentation on enterprise fund with purchases/projects schedule in the budget: **Water Operations:** Line 4012-3012 (\$26,000 of the \$35,00) to Upgrade to booster pump Site 2, Line 4012-3013 (\$20,000 Budget) \$10,000 for upgrades and repairs Site 2 and \$10,000 to Paint Site #1), Line 4012-3513 (\$17,000 for Water Rate Study, remaining \$25,000 for maintenance/repairs). **Water Capital Operations:** HUD Tank Environmental Study (\$30,000). **Sewer Operations:** Line 4013-3012 (\$32,000 Budget) includes: Repair of Flow Meter (\$17,000), Pumps (\$10,000), and Check Values (\$10,000), Line 4013-3513 Wastewater Rate Study, Line 4013-5035 (\$35,000) a new truck to replace truck #32, Connect Sewer with City Hall for internet and phone connection. **Sewer Capital Operations:** No projects.

<u>Fund</u>	<u>Revenue</u>	<u>Salaries</u>	<u>Operation Expense</u>	<u>Net Revenue</u>	<u>Debt Service</u>	<u>Debt Service %</u>
016 Airport Operation	35,120	8,015	19,717	7,389		
036 Water Operation	1,962,300	536,498	1,013,300	412,502	323,560	127.49%
037 Water Capital Operation	0.00	0.00	30,000	(30,000)		
040 Sewer Operation	1,606,650	537,475	714,980	354,195	178,563	198.36%
041 Sewer Capital Operation	0.00	0.00	0.00	0.00		
043 Light and Landscape	49,160	28,752	7,020	13,388		
080 Solid Waste Service	435,150	62,423	362,020	12,257		
Totals	4,089,930	1,173,163	2,147,037	769,731	502,123	

Informational Item Only.

STAFF REPORTS

- **Police Chief Sal Raygoza** – Had a few arrest and had search warrants in Firebaugh and Mendota, found 3 guns and a small lab in Firebaugh, and burglary from out of town due to increase in drug problems. Working on the courthouse purchase, have been reaching out to the State but haven't received a response, will keep trying. Meeting with Board of State and Community Corrections (BSCC), they looked at the court house and provided ideas to get additional funding to fix the building, they also advised we will be fine if we leave the jail cells alone.
- **Fire Chief, John Borboa** – Getting ready for the new Fire Truck, remolded the entrance at the fire station which was a 10x10 doorway to change it to a 12x12 doorway.
- **Finance Director, Pio Martin** – Working on the street and grant funds budget, presenting June 4th, current grant include: HWY 33, Senior Center, no matching funds for current Q Street project. Any new grants will not be included in the presentation.
- **Deputy City Clerk, Rita Lozano** – Communicated with Susan Ramirez, School Board asked council for available dates for the Joint meeting. Council provided July 2, July 12 or July 16 as possible dates.
- **City Attorney Meggin Boranian** – Nothing to report.
- **City Manager, Ben Gallegos** – Nancy is attending tonight to cross training, Boys & Girls Club holding their event at Harris Ranch Thursday May 24th at 11:00 am , the owner of the 76 is sponsoring a table for the City of Firebaugh. At the Senior Center all the outside panels are up, asked the senior if they wanted extended hours and they are not interested. USDA awarded additional funding for the kitchen remold of the senior center. Sally Trip might be coming out for a check presentation. Parking Lot will be repaved. Spoke with the Housing Authority and they agreed to offer space for the elections booth to be placed there.
- **Council Member Lopez** – In review of the budget, there is concern about paying two Attorney's, \$4000 to Lozano Smith and paid our City Attorney, so if we are going to pay for services, it's in our best interest to find an Attorney that is an expert in everything. Request an RFP for Attorney services, we also paid additional fees to get help from City Planner Karl for the marijuana ordinance.
- **Council Member Valdez** – Added the cannabis law will be continuing to change, but right now we are done and is happy but laws will be changing. Reported construction at Bailey School.
- **Council Member Perez** – Asked staff to address the parking situation at the Catholic Church, angle or parallel. Police Chief is ok with painting the parking to clear confusion from 12th Street to the end of the Church.

PUBLIC COMMENT**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

Motion to enter closed session at 7:58 p.m. by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

CLOSED SESSION**8. REAL ESTATE NEGOTIATION – Pursuant to Government Code Section #54956.8.**

Re: APN # 008-071-04

Designative Rep. City Negotiator Ben Gallegos

Motion to enter open session at 8:15 p.m. by unanimous 5-0 vote.

ANNOUNCEMENT AFTER CLOSED SESSION

Nothing to report

ADJOURNMENT

Motion adjourn by Council Member Valdez, second by Council Member Jenkins; motion passes by unanimous 5-0 vote at 8:16 p.m.

ORDINANCE NO. 18-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH (1) AMENDING MUNICIPAL CODE SECTION 25-29.2 TO CLARIFY COMMERCIAL CANNABIS ACTIVITIES IN THE M-2 ZONES; (2) AMENDING MUNICIPAL CODE SECTION 25-41.13 TO ESTABLISH A NEW “CANNABIS CONTROL ORDINANCE,” INCLUDING A REGULATORY FRAMEWORK FOR COMMERCIAL CANNABIS OPERATIONS AND PERSONAL USE CULTIVATION (MEDICAL AND RECREATIONAL/ADULT USE); AND (3) AMENDING MUNICIPAL CODE SECTION 25-67.3 “DEFINITIONS” TO DELETE AND MOVE CANNABIS-RELATED DEFINITIONS TO MUNICIPAL CODE SECTION 25-41.13

WHEREAS, on November 20, 2017, the City Council for the City of Firebaugh did adopt Ordinance 17-03 establishing provisions within the City’s Municipal Code to implement the Adult Use of Marijuana Act, including allowing commercial cannabis operations in the M-2 (Heavy Industrial) Zone, subject to a Conditional Use Permit, and establishing development standards for such operations (the “Marijuana Ordinance”);

WHEREAS, the Marijuana Ordinance did not regulate personal or medical use cultivation of cannabis in the home or medical and recreational/adult use as allowed under State law;

WHEREAS, on January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult marijuana use throughout the State;

WHEREAS, this newly licensed commercial cannabis industry is evolving quickly and the State is changing its regulation of the industry as quickly, including the passage of Senate Bill 94 in 2017, also known as the “Medicinal and Adult Use Cannabis Regulation and Safety Act” or “MAUCRSA,” which revised references to “marijuana” and “medical cannabis” in existing law to instead refer to “cannabis” or “medicinal cannabis,” respectively;

WHEREAS, the City Council has determined that amendment and modification of some of the City of Firebaugh’s provisions regulating the operation of commercial cannabis businesses, and repeal and replacement of the Marijuana Ordinance, is necessary to conform the City of Firebaugh Municipal Code to recent State law changes, to clarify the City’s regulatory intent, to provide adequate notice and due process to any cannabis-related business that wishes to operate in the City, and to address fully the adverse secondary impacts, including but not limited to, nuisance impacts, and criminal impacts of cannabis-related businesses within the City’s jurisdiction; and

WHEREAS, the City Council has determined that amendment, repeal and replacement of the Marijuana Ordinance is necessary to also address the cultivation and use of recreational and medical cannabis in the City of Firebaugh.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

Section 1. Section 25-29.2 (Industrial Zones: Permitted Uses) of the Firebaugh Municipal Code is hereby amended (additions are shown in bold; deletions are stricken through):

Use	Zone	
	M-1 Zone	M-2 zone
1. Assembling, cleaning, manufacturing, processing repairing or testing of products, conducted within an enclosed structure, or within a screened outdoor storage area, except for the following uses listed under 1(a) through 1(k), which are permitted only in the M-2 zone by Conditional Use Permit	P	P
a. Drop forges	-	CUP
b. Fertilizer manufacturing	-	CUP
c. Animal processing, including slaughterhouses, reduction, rendering and glue manufacturing	-	CUP
d. Petroleum products manufacturing, processing- and storage, including oils, gasoline, natural gas, paints and tar	-	CUP
e. Incinerators	-	CUP
f. Metal industries (ores, reduction, refining, smelting and alloying)	-	CUP
g. Paper and paper product manufacturing	-	CUP
h. Textile mills	-	CUP
i. Chemical manufacturing	-	CUP
j. Rubber manufacturing	-	CUP
2. Assembling, cleaning, manufacturing, processing, repairing or testing of products not listed under 1(a) through 1(b) that are conducted primarily outdoors.	CUP	CUP
3. Agricultural services and industries, including the following:		
a. Food and dairy processing	P	P
b. Cannabis cultivation, manufacturing, processing, extraction, testing, transportation and distribution (<i>All Cannabis activities</i>)	-	CUP, subject to standards contained in Chapter 25-41.13
b.c. Canneries	P	P
e.d. Cold storage facilities	P	P
d.e. Crop cultivation	P	P
e.f. Grain storage and processing	P	P
f. Marijuana cultivation, manufacturing, testing, transportation and distribution	-	CUP, subject to standards contained in Section 25-41.13
g. Nurseries	P	P
h. Packing houses	P	P
i. Veterinary services, livestock and large animals, including animal boarding	P	P
j. Animal sales yards	CUP	P
k. Agricultural exhibits, including sales, displays, large assembly of people and livestock	P	P

4. Automobile-oriented uses, including auto repair, tire shops, painting, upholstery, etc.	P	P
5. Concrete batch plants, processing of minerals, and aggregate and related materials, sand and gravel storage	CUP	P
6. Dwelling for a caretaker or security guard on the site of an approved use.	CUP	CUP
7. Fuel dealer and service stations	CUP	P
8. Airports, heliports/helipads	CUP	CUP
9. Farm supply stores	P	P
10. Lumber yards	P	P
11. Kennels	P	P
12. Mini storage facilities and storage buildings	P	P
13. Offices	P	P
14. Retail uses conducted as part of, and incidental to an established manufacturing operation (such as a candy store on the site of a candy manufacturing operation)	P	P
15. Research and development operations, including laboratories.	P	P
16. Recycling collection and processing facilities.	P	P
17. Salvage and wrecking facilities and junk yards		CUP
18. Towing services	P	P
19. Trucking, Transportation and distribution	P	P
20. Truck stops	CUP	CUP
21. Upholstery shops	P	P
22. Vehicle storage	P	P
23. Warehousing and wholesaling	P	P
24. Equipment rental and sales yards including farm equipment rental and sales	P	P
25. Building contractor offices and yards	P	P
26. Miscellaneous uses, including:		
a. Accessory uses on the site of a permitted use or conditionally-permitted use	P	P
b. Parking facilities on separate lots	P	P
c. Communications equipment buildings and structures (including wireless telecommunications facilities), public utility service yards, gas regulator stations, pumping stations, storm drainage reservoirs, public water wells, electric distribution substations and transmission line structures	CUP	CUP
d. Private fueling stations located on-site with a permitted or conditionally permitted use	P	P
e. Other uses determined to be similar in nature and intensity to those permitted in that particular zone, as determined by the city planner	P	P
f. Other uses determined to be similar in nature and intensity to those conditionally permitted in that particular zone, as determined by the city planner	CUP	CUP

Section 2. Section 25-41.13 of the Firebaugh Municipal Code is hereby amended to read as follows:

Chapter 25-41.13 – CANNABIS CONTROL ORDINANCE

25-41.13.1 – GENERAL PROVISIONS.

25-41.13.1.1 - Findings and purpose.

It is the purpose and intent of this chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of cannabis, whether for medical purposes or recreational or adult use as currently allowed under State law.

25-41.13.1.2 - Definitions.

For purposes of this chapter, these words and phrases shall be defined as follows:

“Act” means the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), including implementing regulations, as the Act and implementing regulations may be amended from time to time. Definitions in this section referencing provisions of the Act shall also include amendments to the Act.

“Applicant” means a person who is required to file an application for a permit under this chapter.

“Business Owner” means the owner(s) of the Cannabis Operations. “Owner” means any of the following:

- a. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- b. The chief executive officer, president, and vice president of a nonprofit or other corporate entity.
- c. A member of the board of directors of a nonprofit.
- d. An individual who will be participating in the direction, control, or management of the entity or person applying for a license.

“Cannabis” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (f). “Cannabis” and “marijuana” may be used interchangeably, but shall have the same meaning.

“Cannabis dispensary” or “dispensary” means any facility or location, whether fixed or mobile, and any building or structure, where cannabis is made available to, distributed by, or distributed to more than two persons for sale or barter.

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, cannabidiol (CBD), or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“City” means the City of Firebaugh.

“Collective or cooperative cultivation” means an association within California of qualified patients, persons with valid identification cards, and designated primary caregivers to cultivate cannabis for medical purposes as may have been allowed under the Compassionate Use Act of 1996, the “Medical Marijuana Program Act,” or the California “Medical Cannabis Regulation and Safety Act” adopted on October 9, 2015 through legislative bills AB 243, AB 266, and SB 643.

“Commercial Cannabis Operation” means any commercial cannabis activity, and all facilities and equipment that support that activity, as set forth in California Business and Professions Code section 26001, subdivision (k) and allowed under the Act, and as the Act and implementing regulations may be amended from time to time.

“Commercial Cannabis Regulatory Permit” or “Regulatory Permit” means the permit required under this chapter to operate a Commercial Cannabis Operation.

“Cultivate” or “cultivation” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (l) and shall also include the storage of one or more cannabis plants or any part thereof in any location.

“Delivery” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (p) and shall also include any technological platform that enables persons to arrange or facilitate the transfer of cannabis.

“Employee Permit” means the permit required under this chapter for every employee or independent contractor working at a Commercial Cannabis Operation or involved in transportation/Delivery-related services for a Commercial Cannabis Operation, other than solely as a vender or a certificated common carrier.

“Medicinal Cannabis” or “medical cannabis use” means the use of cannabis for the purposes set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Operator” means the Business Owner and any other person designated by the Business Owner as responsible for the day-to-day Commercial Cannabis Operation.

“Ordinance” means the ordinance enacting this chapter, and including the terms of this and related sections, which may be commonly referred to as the City’s “Cannabis Control Ordinance.”

“Police Chief” means the Police Chief of the City of Firebaugh or his or her designee.

“Premises” or “Site” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the Applicant or permittee where the Commercial Cannabis Operation will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one permittee.

“Premises Owner” means the fee owner(s) of the Premises where Commercial Cannabis Operations are occurring.

“Primary caregiver” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Property owner” is the title holder of real property within the City of Firebaugh.

“Qualified patient” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Recreational cannabis,” “recreational cannabis use,” or “adult use cannabis” means all uses of cannabis not included within the definition of medicinal cannabis use.

“Responsible Party” shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the Commercial Cannabis Operations.

25-41.13.2 - Regulations applicable to the cultivation of Medicinal Cannabis.

To the extent that the City is required to allow the cultivation of medical marijuana under State law and, except as provided for in this Ordinance, the rules set forth herein shall apply.

a. *Personal-use cultivation.* An individual qualified patient or person with an identification card shall be allowed to cultivate Medicinal Cannabis indoors within his/her private residence, or an attached garage. For owner-occupied residences, cultivation shall be allowed in an accessory building on the same property. A primary caregiver shall only cultivate Medicinal Cannabis at the residence of a qualified patient or person with an identification card for whom he/she is the primary caregiver. Medicinal Cannabis cultivation for personal use shall be subject to the following requirements:

1. *Area.* The medical marijuana cultivation area shall not exceed thirty-two (32) square feet measured by the canopy and not exceed ten feet (10') in height per residence. This limit applies regardless of the number of qualified patients or persons with an identification card residing in the residence. The cultivation area shall be a single, contiguous designated area.
2. *Lighting.* Medicinal Cannabis cultivation lighting shall not exceed a total of 1200 watts.
3. *Building Code Requirements.* Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, set back, height requirements, and parking requirements.
4. *Gas products or flammable or volatile chemicals.* The use of gas products (carbon dioxide, butane, etc.) or flammable or volatile chemicals for Medicinal Cannabis cultivation or processing is prohibited.
5. *Evidence of cultivation.* No evidence of Medicinal Cannabis cultivation shall be visible from a public right-of-way or from adjacent property.
6. *Residence.* The qualified patient or person with an identification card shall reside in the residence where the Medicinal Cannabis cultivation occurs.
7. *Incidental use.* The residence shall maintain kitchen, bathrooms, and at least one bedroom for their intended uses. Such rooms shall not be used primarily for cannabis cultivation.
8. *Ventilation.* The Medicinal Cannabis cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or beyond the property line for detached single-family residences, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation, or § 402.3 Mechanical Ventilation, or its equivalent(s).
9. *Storage of chemicals.* Any chemicals used for Medicinal Cannabis cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights-of-way.
10. *Nuisance.* The Medicinal Cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, nor shall it be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.

11. *Property owner authorization.* For rental properties, the lessee shall obtain written authorization from the property owner or property-management Company to cultivate personal-use or medical marijuana. Such written authorization shall be maintained on the premises at all times and presented at the request of the City.
12. *Additional requirements for garages and accessory buildings.* The following additional requirements shall apply for personal-use cultivation that occurs in a garage or accessory building: (A) The garage or accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque; (B) the garage or building shall include a burglar alarm monitored by an alarm company or private security company; (C) the garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door; and (D) extension cords or other make-shift equipment on the exterior of a building used to supply power for cannabis cultivation is prohibited.
13. *Posting of physician recommendation or identification card; posting of owner permission.* A copy of a qualified patient physician recommendation or identification card shall be posted in a conspicuous place in the cultivation area for each patient residing in the residence who is cultivating Medicinal Cannabis. For rental properties, a copy of the owner's written authorization to cultivate Medicinal Cannabis shall be posted in the same manner.

b. *Collective or cooperative cultivation.* The collective or cooperative cultivation of Medicinal Cannabis is prohibited in the City of Firebaugh.

25-41.13.3 - Regulations applicable to the cultivation of recreational or adult use cannabis.

To the extent that the City is required to allow the cultivation of recreational or adult use cannabis under State law, and except as provided for in Section 25-41.13.6, the rules set forth herein shall apply.

a. *State law limits.* The cultivation of recreational or adult use cannabis shall be subject to the limits set forth in any applicable State law. At the time of adoption of this chapter, applicable State law limits the cultivation of recreational or adult use cannabis to six (6) plants per residence.

b. *Compliance with medicinal cannabis personal-use cultivation rules.* All persons lawfully allowed to cultivate recreational or adult use cannabis under State law shall be subject to the same rules, requirements, and limitations applicable to the personal-use cultivation of medical marijuana set forth in Section 25-41.13.2(a).

25-41.13.4 - Regulations applicable to Commercial Cannabis Operations, Dispensaries, and Deliveries.

a. *Commercial Cannabis Operations.* Except as provided for in Sections 25-41.13.5 and 25-41.13.6, Commercial Cannabis Operations as defined in section 25-41.13.2 are prohibited within the City of Firebaugh.

b. *Dispensaries.* Cannabis Dispensaries as defined in Section 25-41.13.2 are prohibited within the City of Firebaugh.

c. *Deliveries.* The Delivery of cannabis as defined in Section 25-41.13.2, except as among permitted Commercial Cannabis Operations, is prohibited within the City of Firebaugh, regardless of whether the Delivery is initiated within or outside of the City of Firebaugh, and regardless of whether a technology platform is used for Delivery by the Commercial Cannabis Operation.

25-41.13.5 – Exceptions to Dispensary ban for certain healthcare facilities.

The following facilities providing Medicinal Cannabis to patients are not subject to the provisions of Section 25-41.13.4, provided they are in strict compliance with Health and Safety Code sections 11362.5 and 11362.7, *et seq.*, and all other State and local laws pertaining the uses, including zoning, permitting, and licensing requirements:

- A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.
- A healthcare facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.
- A residential-care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code.
- A residential-care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code.
- A residential hospice, or a home-health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

25-41.13.6 – Limited Commercial Cannabis Operations pursuant to Regulatory Permit.

Notwithstanding the prohibition on Commercial Cannabis Operations set forth in Section 25-41.13.4, and the limitations upon the cultivation of cannabis set forth in Sections 25-41.13.3 and 25-41.13.4, Commercial Cannabis Operations may be allowed as set forth in this Section.

a. *Purpose.* The purpose of this Section is to allow limited Commercial Cannabis Operations in the City of Firebaugh as may be permitted under the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA” or “Act”) and to adopt local regulations applicable to those operations.

b. *Permitted Uses.* Business Owners meeting the requirements of this section shall be eligible to apply for a Regulatory Permit to conduct the following Commercial Cannabis Operations, as may be approved by the City Council at its discretion:

- Cultivation.
 - Processing.
 - Extraction.
 - Manufacturing.
 - Testing.
 - Distribution.
 - Transportation.
1. The Regulatory Permit issued pursuant to this Section shall specify whether the Commercial Cannabis Operation shall be limited to Medicinal Cannabis.
 2. The Regulatory Permit issued pursuant to this Section shall specify the precise Commercial Cannabis Operation, by clear description and, when appropriate, shall reference the license type specified in the Act for which a State license is being sought.
 3. The Commercial Cannabis Operation shall at all times be in compliance with this Section as it may be amended from time to time or repealed and replaced by another section governing Commercial Cannabis Operations.

4. No Regulatory Permit shall issue unless or until the Business Owner and the Property Owner enter into a Project Development Agreement with the City.
5. Dispensaries are expressly prohibited as set forth in Section 25-41.13.4.
6. The City Council retains the discretion to deny a Regulatory Permit or limit a Regulatory Permit to specified Commercial Cannabis Operations.

c. *Minimum Operational Requirements and Restrictions.* The following operational requirements and restrictions shall apply to all Commercial Cannabis Operations:

1. *The Act and Other State Laws.* The Commercial Cannabis Operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all State license(s) required under the Act, and any other applicable State law. The Operator shall obtain all licenses required under the Act prior to opening for business.
2. *Register of Employees.* The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be made available to the Police Chief at all times immediately upon request.
3. *Signage.* There shall be no signage or markings on the Premises or off-site that in any way evidences that Commercial Cannabis Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
4. *Cannabis Consumption.* No cannabis or cannabis product shall be smoked, ingested or otherwise consumed on the Premises. Prominent signage of this prohibition shall be displayed throughout the facility.
5. *Alcoholic Beverages.* No Commercial Cannabis Operation shall hold or maintain a retail license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
6. *Transportation.* Transportation shall only be conducted as permitted by State law.
7. *Deliveries.* There shall be no deliveries of cannabis or cannabis-containing products from the Premises, except to another State or local licensed or permitted cannabis business.
8. *Non-Commercial Cannabis Activity.* No non-commercial or Recreational Cannabis activity shall occur on the Premises.
9. *Retail Sales.* The retail sale of cannabis is expressly prohibited.
10. *Public Access.* There shall be no public access to the Premises.
11. *Minors.* It shall be unlawful for any Operator to employ any person who is not at least twenty-one (21) years of age.
12. *Distance Separation from Schools, Daycare Centers and Youth Centers.* A Commercial Cannabis Operation shall not be located within 600 feet from any existing school, daycare center or youth center as defined by State law, nor from a proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, "school" means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
13. *Hours of Operation.* Commercial Cannabis Operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances.

14. *Building and Related Codes.* The Cannabis Operation shall be subject to the following requirements:

- (A) The Premises in which the Commercial Cannabis Operations occur shall comply with all applicable local, State, and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.
- (B) The Responsible Party shall ensure that the Premises have sufficient electrical load for the Commercial Cannabis Operations.
- (C) To the extent permitted by the Act, butane and other flammable materials are permitted to be used for extraction and processing provided the Operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Firebaugh Fire Department, or other qualified agency retained by the City, shall inspect and approve the Premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement. Such inspection shall be at the Business Owner's expense.
- (D) The Operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the Commercial Cannabis Operations.
- (E) The Operator shall comply with all environmental laws and regulations pertaining to the Commercial Cannabis Operations, including the storage, use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.

15. *Odor control.* Business Owner shall provide an odor-absorbing ventilation and exhaust system, so that odor generated inside the facility that is distinctive to its Commercial Cannabis Operations is not detected outside the Premises, outside the building housing the Commercial Cannabis Operations, or anywhere on adjacent property or public rights-of-way. Accordingly, Business Owner must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness:

- (A) An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
- (B) An air system that creates negative air pressure between the cannabis facilities's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

16. *Consumable Products.* Commercial Cannabis Operations that manufacture products in the form of food or other comestibles shall obtain and maintain all appropriate approvals from the State and County Departments of Public Health for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.

17. *Secure Building.* All Commercial Cannabis Operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. Notwithstanding the foregoing, the roof may be of solid non-opaque material, provided other security measures exist to ensure that the Commercial Cannabis Operation cannot be seen, heard or smelled beyond the property line. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures). The precise building construction parameters and materials to be used shall be identified and provided with the application to the City prior to construction.

18. *Premises Security.* The following security conditions shall apply:

- (A) Alarm System (including perimeter, fire and panic).
- (B) Remote monitoring of alarm systems.
- (C) Perimeter lighting systems (motion sensor) for after-hours security.
- (D) Perimeter security and lighting as approved by the Police Chief.
- (E) Use of drive gates with card key access or similar to access the facility.
- (F) Entrance areas to be locked at all times, and under the control of a designated Responsible Party.
- (G) Use of access-control systems to limit access to grow and processing areas.
- (H) Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points to the site from the interior, and be of a minimum five (5) mega-pixel resolution.
- (I) All security systems at the site are attached to an uninterruptable power supply providing 24-hour power.
- (J) 24-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief. All current contact information regarding the security company shall be provided to the Police Chief.
- (K) Firebaugh Police Department or Department designee shall have access to all security systems.
- (L) Internet Protocol ("IP") access for remote monitoring of security cameras by the Firebaugh Police Department or a department designee upon request.
- (M) Any and all video or audio tape recordings made for security purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of at least thirty (30) days and must be made available to the Firebaugh Police Department or Department designee for duplication upon demand. In addition, upon request by the Firebaugh Police Department, the Responsible Party shall duplicate the records for the Firebaugh Police Department or the Department designee.
- (N) Hardened bullet-resistant windows for exterior windows as part of any new or existing construction.
- (O) Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- (P) Electronic track-and-trace systems for cannabis products as required by the Act and State regulations.
- (Q) The City may inspect the Premises and audit the records of the Commercial Cannabis Operations for compliance on a quarterly basis.
- (R) Security protocols and equipment need to be in place to protect computer information.
- (S) The foregoing Premises security requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.

19. *Deliveries of Supplies and Transportation of Product.* The following rules apply to the Deliveries and transportation:

- (A) Deliveries of supplies to the Premises shall only occur as provided for in diagram and floor plans on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Operation.
- (B) The transportation of cannabis samples and/or products to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and/or products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

20. *Premises Maintenance.* The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety, and general welfare of employees, patrons, surrounding properties, and the general public. The Premises or Commercial Cannabis Operation shall not be maintained in a manner that causes a public or private nuisance.

21. *Location of Uses.* The Commercial Cannabis Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plans of the Premises submitted with the application for a Regulatory Permit. The Commercial Cannabis Operation shall not operate at any location other than as stated in the Regulatory Permit.

d. *Commercial Cannabis Operation Regulatory Permit.* No person or entity shall operate a Commercial Cannabis Operation within the City of Firebaugh without first obtaining a Commercial Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site-specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit. The issuance of a Regulatory Permit shall be at the discretion of the City Council.

e. *Applications for Regulatory Permits and Responsible Party Designation.*

Application. Applicants for Regulatory Permits shall file their applications with the Police Chief and shall include the information set forth herein. The Police Chief may request such additional information he or she deems necessary to determine who the Applicant is and what activity may be permitted. The Applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the Business Owner, Operator, all Responsible Parties known at the time (if different than the Business Owner), and any other party designated below:

- (A) The full name, present address, and telephone number.
- (B) Date of birth.
- (C) Tax identification number.
- (D) The address to which notices relating to the application are to be mailed.
- (E) Previous addresses for the five (5) years immediately preceding the submission of the application.
- (F) His or her height, weight, and color of eyes and hair.
- (G) Photographs for identification purposes (photographs shall be taken by the Police Department).

- (H) All business, occupation, or employment for the five (5) years immediately preceding the submission of the application.
 - (I) The Commercial Cannabis Operation business history, including whether the Business Owner and Responsible Parties, while previously operating in this or another city, county or state, has had a cannabis-related license revoked or suspended, the reason therefore, and the business, activity or occupation subsequent to such suspension or revocation.
 - (J) Complete property ownership and lease details, where applicable. If the Business Owner is not the Premises Owner, the application must be accompanied with a notarized acknowledgment from the Premises Owner that Commercial Cannabis Operations are authorized to occur on the Premises.
 - (K) A descriptive business plan for the Commercial Cannabis Operation, including a detailed list of all Commercial Cannabis Operations proposed to occur on the Premises.
 - (L) A diagram and floor plan of the entire Premises, denoting all the use of areas proposed for Commercial Cannabis Operations, including, but not limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.
 - (M) The name or names of the Operator. The Operator shall designate one or more Responsible Parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information of the Operator and Responsible Parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.
 - (N) The proposed security arrangements for ensuring the safety of persons and to protect the Premises from theft.
 - (O) An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Cannabis Operation and the property line of any school as set forth in the Operational Requirements.
 - (P) Authorization for the City and its agents and employees to seek verification of the information submitted.
1. *Improper or Incomplete Application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.
 2. *Changes in Information.* Except as otherwise provided, the information required by this subsection (e) shall be updated with the Police Chief upon any change within ten (10) calendar days.
 3. *Other Permits or Licenses.* The fact that an Applicant possesses other types of State or City permits or licenses does not exempt the Applicant from the requirement of obtaining a Regulatory Permit.

f. *Employee Permits.*

1. *Permit Required.* Every employee or independent contractor working at a Commercial Cannabis Operation or involved in transportation/Delivery related services for a Commercial Cannabis Operation, except for vendors and certificated common carriers, shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit, if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.

2. *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so the Police Department can perform a background check:
 - (A) Name, current residence address, and telephone number.
 - (B) Date of birth.
 - (C) Tax identification number.
 - (D) His or her height, weight, and color of eyes and hair.
 - (E) Photographs for identification purposes (photographs shall be taken by the Police Department).
 - (F) Fingerprinted by the Police Department.
 - (G) Such other identification and information as deemed necessary by the Police Chief and pertinent to the Employee Permit.
 - (H) Authorization for the City and its agents and employees to seek verification of the information contained within the application.
 - (I) The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

g. *Application Fees.*

Every application for a Regulatory Permit, Employee Permit, or Employee Permit renewal shall be accompanied by a nonrefundable fee, as established by resolution of the City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks, and the general review and processing of the application. As an alternative to the Regulatory Permit fee, the City and Applicant may enter into a specific Project Processing Costs Agreement.

h. *Investigation and Action on Application.*

1. Upon the filing of a properly-completed application and the payment of the fee, the Police Chief shall conduct an investigation of the application, including a background check of the Applicant and all employees and independent contractors. All Applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Firebaugh Police Department.
2. For Regulatory Permits, after the background checks and investigation are complete, and in no case later than one hundred twenty (120) days after receipt of a properly completed application, the Police Chief shall issue a recommendation that the City Council approve or deny a Regulatory Permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other development application(s) necessary for the Commercial Cannabis Operation.
3. For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly-completed application, the Police Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

i. *Term of Permits and Renewals.*

Employee Permits issued under this Section shall expire one (1) year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed.

j. *Grounds for Denial of Regulatory Permit.*

The City Council may in its sole discretion deny a Regulatory Permit or limit a Regulatory Permit to specified uses. When considering whether to deny or limit a Regulatory Permit, the Council shall consider the following:

1. Whether the business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule, or regulation.
2. Whether the Business Owner or Operator has been issued a local or State permit related to Commercial Cannabis Operations at any other location in California, or another state; whether that permit was suspended or revoked; and whether the Business Owner or Operator has had disciplinary action relating to the permit.
3. Whether the Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application.
4. Whether the Business Owner or Operator, or any Responsible Person, has been:
 - (A) Convicted of a violent felony, as specified in subdivision (c) of Section 667.5 of the Penal Code;
 - (B) Convicted of a serious felony, as specified in subdivision (c) of Section 1192.7 of the Penal Code;
 - (C) Convicted of a felony involving fraud, deceit, or embezzlement.
 - (D) Convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;
 - (E) Convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code;
 - (F) Subject to fines, penalties, or otherwise sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code;
 - (G) Sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three (3) years immediately preceding the date the application is filed with the City.

A conviction for any controlled substance felony subsequent to permitting shall be grounds for revocation of a Regulatory Permit or denial of the renewal of a Regulatory Permit. A "conviction" within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. Whether the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. Whether the Business Owner or Operator is under twenty-one (21) years of age, or any older other age set by the State.
7. Whether the Cannabis Operation complies with the zoning ordinance or development standards of the City of Firebaugh.
8. Whether the required business license fee, annual regulatory fee, Revenue Raising Fee, or other City fees and/or taxes have been paid.
9. Such other grounds the Council determines are reasonable.

k. *Grounds for Denial of Employee Permit.* The grounds for denial of an Employee Permit shall be one or more of the following:

The Applicant has been issued a local or State permit related to Commercial Cannabis Operations at any other location in California, or another state, and that permit was suspended or revoked, or the Applicant has had disciplinary action relating to the permit.

1. The Applicant has been:
 - (A) Convicted of a violent felony, as specified in subdivision (c) of Section 667.5 of the Penal Code;
 - (B) Convicted of a serious felony, as specified in subdivision (c) of Section 1192.7 of the Penal Code;
 - (C) Convicted of a felony involving fraud, deceit, or embezzlement.
 - (D) Convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;
 - (E) Convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code;
 - (F) Subject to fines, penalties, or otherwise sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code;
 - (G) Sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three (3) years immediately preceding the date the application is filed with the City.
2. The Applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
3. The Applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
4. An Applicant is under twenty-one (21) years of age, or any older age set by the State.

1. *Notice of Decision and Final Action.*

1. *Regulatory Permit.* Action on the Regulatory Permit shall be as follows:

(A) The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the Applicant by certified U.S. mail, postage prepaid.

(B) Following a public hearing, the Council may grant the Regulatory Permit, limit the Regulatory Permit to specified uses, or deny the issuance of the Regulatory Permit for any of the grounds specified in this Section. In granting a Regulatory Permit, the Council may impose such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The decision of the Council shall be final, subject to judicial review below.

2. *Employee Permit.* Action on the Employee Permit shall be as follows: The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the Applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an Employee permit shall be final.

m. *Suspension and Revocation of Regulatory Permit or Employee Permit.*

1. *Regulatory Permit.* The City Council may suspend or revoke the Regulatory Permit of a Commercial Cannabis Operation when any of the following occur:

(A) The Commercial Cannabis Operation is conducted in violation of any provision of this Section, the Act, or any other applicable law.

(B) The Commercial Cannabis Operation is conducted in such a manner as to create a risk of danger to the public health or safety.

(C) A failure to pay the Regulatory Fee, the Revenue Raising Fee, or all City taxes as required.

(D) A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.

(E) A failure to comply with the terms and conditions of the Regulatory Permit or any conditional use permit issued in connection therewith.

(F) Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.

2. *Employee Permit.* The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:

(A) Any act which would be considered a ground for denial of the permit in the first instance.

(B) Violates any provision of this Section, the Act, or any other applicable law relating to the Commercial Cannabis Operation.

(C) Violates or fails to comply with the terms and conditions of the Employee Permit.

3. *Procedures for Revoking Regulatory Permits.* For Regulatory Permits, the procedures for revoking conditional use permits shall be utilized, except that the matter shall be heard by the City Council in the first instance.

4. *Procedures for Revoking Employee Permits.* Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid to the last known address. Any permittee aggrieved by the decision of the Police Chief to suspend or revoke an Employee Permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.

5. *Immediate Suspension.* The Police Chief may immediately suspend or revoke a Regulatory Permit or an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under the following circumstances:

(A) The Business Owner, Operator or Responsible Party is convicted of a public offense in any court for the violation of any law which relates to the Cannabis Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.

(B) The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

n. *Effect of Denial or Revocation.* When the City Council shall have denied or revoked a Regulatory Permit, or the Police Chief shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit or an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the Regulatory Permit or Employee Permit.

o. *Abandonment.* A Regulatory Permit shall be deemed abandoned if Commercial Cannabis Operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

p. *Fees and Taxes.* All Commercial Cannabis Operations shall pay applicable fees and taxes, which may include one or more of the following.

1. *Business License Fee.* The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 5, Chapter 5.04, of the Firebaugh Municipal Code pertaining to Business Licensing.

2. *Regulatory License Fee.* The Business Owner shall pay an annual regulatory license fee ("Regulatory Fee") to cover the costs of services, including but not limited to, anticipated enforcement relating to the Commercial Cannabis Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional service costs associated with the Commercial Cannabis Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs.

3. *Revenue Raising Fee.* An annual revenue raising fee (“Revenue Raising Fee”) shall be applied for the privilege of having the right to operate in the City and provided as a condition of the development agreement.

(A) *Revenue Raising Fee Finding.* The City Council specifically finds that it is approving this Ordinance allowing Commercial Cannabis Operations to operate in the City with the express understanding that the business will pay the Revenue Raising Fee to the City as set forth herein, and that without the Revenue Raising Fee, the City Council would not have adopted this Ordinance allowing Commercial Cannabis Operations to operate in the City. By opening a Commercial Cannabis Operation in the City, the Premises Owner, Business Owner, Operator, and all Responsible Parties agree that, if the Revenue Raising Fee is challenged by any one of them or a third party and set aside, the business must cease operation.

(B) *Amount of Fee and Terms of Payment.* The Revenue Raising Fee shall be an annual fee of twenty-five dollars (\$25.00) per square foot for the first 3,000 square feet, which shall be the minimum annual fee for all Commercial Cannabis Operations, and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each Commercial Cannabis Operation. The square footage calculation shall be determined by including all portions of the Premises under the control of the Business Owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the Commercial Cannabis Operation (such as a janitorial closet). The total under-canopy square footage shall be included in the square footage calculation.

(C) If more than one Commercial Cannabis Operation operates on the Premises, whether within a single building or multiple buildings, each Regulatory Permit holder shall be responsible for paying the Revenue Raising Fee. The Revenue Raising Fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall not be prorated, and in no event shall the first payment be less than the equivalent of one full quarterly payment. All quarterly payments shall be received by the City before the end of the quarter.

(D) *Alternative Voter-Approved Tax.* If the voters of the City approve a tax on Commercial Cannabis Operations, the Business Owner shall pay that tax in lieu of the Revenue Raising Fee, once the City begins to collect the tax revenue.

q. *Recordkeeping.* The Responsible Party shall make and maintain complete, accurate, and legible records of the permitted Commercial Cannabis Operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years.

r. *Inspection.* Commercial Cannabis Operations shall be open for inspection by any City law enforcement officer, City code enforcement officer, or City financial auditor or their designees at any time the Commercial Cannabis Operation is operating, at any other time upon responding to a call for service related to the property where the Commercial Cannabis Operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any Commercial Cannabis Operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

s. *Indemnification.* In authorizing Commercial Cannabis Operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or federal law, and the Business Owner, Operator and all Responsible Parties are obligated to comply with all applicable laws and regulations. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this Ordinance or the operation of any Commercial Cannabis Operation approved pursuant to this Ordinance, or under State or federal law. The Business Owner, Operator and all Responsible Parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved

use or adverse determinations made by the State or federal government. An adverse determination could include cessation of operations.

The Business Owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to Commercial Cannabis Operations operating under the authority of this Ordinance. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the Business Owner shall execute an agreement memorializing the requirements of this subsection.

25-41.13.7 - Regulations Applicable to the Consumption of Cannabis.

No person shall smoke, ingest, or otherwise consume cannabis or cannabis products, whether recreational or medical, in the City of Firebaugh, unless such smoking, ingesting or consumption occurs entirely within a private residence. "Within a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings, unless those buildings are at all times fully enclosed during the consumption.

Medicinal cannabis may also be consumed within a clinic, healthcare facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code.

All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts.

25-41.13.8 - Penalties and Enforcement.

The following remedies shall apply for violations of this Chapter:

a. Violations for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in accordance with Chapter 1-5.1 of the Municipal Code. Each and every day, or portion thereof, that a violation exists is a separate offense. Persons found in violation of the six-plant limit set forth in Section 25-41.13.3(a) will be subject to prosecution for a misdemeanor violation, punishable by a one-thousand dollar (\$1000) per plant for each plant over the limit and forfeiture of all plants in excess of the six-plant limit.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

b. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

1. Any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Firebaugh Municipal Code.
2. The violation of any provision of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

c. Any person who violates the provisions of this Chapter may be subject to an administrative fine of up to one thousand dollars (\$1000.00) for each violation and for each day the violation continues to persist.

d. All remedies set forth in this section are not exclusive and the exercise of any remedy does not preclude the exercise of any other remedy that may now or subsequently exist in law or in equity or by statute or otherwise.

25-41.13.9 - Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Chapter, or of the Regulatory Permit issued pursuant to this Chapter, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter or of any Regulatory Permit issued pursuant hereto.

25-41.13.10 - Judicial Review.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final, as provided in California Code of Civil Procedure Section 1994.6, which shall apply for such actions.

Section 3. Section 26-67.3 of the Firebaugh Municipal Code is hereby amended to delete the following definitions:

25-67.3 Definitions

~~"Applicant" shall mean a person who is required to file an application for a permit under this section.~~

~~"Commercial Marijuana Cannabis Operation" or "Marijuana Operation" shall mean any commercial marijuana activity allowed under the "Adult Use of Marijuana Act" (AUMA) and the implementing regulations, as AUMA and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.~~

~~"Commercial Marijuana Permit" shall mean the blanket permit to operate deemed to have been granted upon completion of Registration.~~

~~"Employee Permit" shall mean the permit required under this section for every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/Delivery related services for a Commercial Marijuana Operation.~~

~~"Non-Commercial and Recreational Marijuana Activity" shall mean all uses not included within the definitions of Commercial Marijuana Operation, including the personal use, cultivation, or consumption of marijuana, whether medical or recreational.~~

~~"Marijuana Business Operator" shall mean the Commercial Marijuana Operation Business Owner and any other person designated by the Marijuana Operation Business Owner as responsible for the day-to-day Marijuana Operations.~~

~~"Marijuana Operation Business Owner" shall mean the owner(s) of the Marijuana Operation. For corporations and limited liability companies, Business Owner means the President, Vice President, and any shareholder owning a ten percent (10%) or greater share of the corporation or company. For partnerships, Marijuana Operation Business Owner means all general partners and managing partners.~~

~~"Marijuana Ordinance" shall mean the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City's "Commercial Marijuana Ordinance".~~

~~"Marijuana Premises" or "Site" shall mean the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property.~~

~~"Marijuana Premises Owner" shall mean all owners of the Premises where Marijuana Operations are occurring.~~

~~"Police Chief" shall mean the Police Chief of the City of Firebaugh or his or her designee.~~

~~"Registration" shall mean completion of the requirements of this section to open a Commercial Marijuana Operation in the City.~~

~~"Responsible Party" shall mean the Marijuana Operation Business Owner, Operator, manager(s), and any employee having significant control over the Marijuana Operations.~~

Section 4: This ordinance shall take effect thirty (30) days after its adoption.

Section 5: The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 6: The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

The foregoing Ordinance No. 18-02 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 21st day of May, 2018, and was passed and adopted at a regular meeting of the City Council on the 4th day of June, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Felipe Perez, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

J:\wdocs\01907\018\ORD\00559906.DOCX

RESOLUTION NO. 18-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING
AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE ECONOMIC DEVELOPMENT
CORPORATION SERVING FRESNO COUNTY FOR FISCAL YEAR 2018-19**

WHEREAS, the City of Firebaugh (City) is committed to a balanced and diversified economy as one of its most important priorities to ensure the future well-being of the citizens of Firebaugh; and

WHEREAS, the City has invested considerable resources to encourage a Firebaugh location for new and expanding businesses and industries and to ensure the economic vitality of commercial areas; and

WHEREAS, Economic Development Corporation (EDC) continues to maintain regional, national, and international marketing and promotional efforts to attract the location and expansion of businesses and industries in all of the communities within Fresno County; and

WHEREAS, the State of California (State) has designated the EDC as its regional contact and referral point for businesses and industries that contact the State while seeking a location for new or expanded facilities; and

WHEREAS, the City seeks to enhance its support of the EDC in order to utilize the unique position the EDC maintains within the business community, and to promote economic growth in the City; and

WHEREAS, the City recognizes the Fresno County Region's economic future is a top priority, which demands focus and leadership by the EDC, wishes to enter into an Agreement with the EDC to provide professional services to assist the City to promote business interests and economic development within its boundaries and authorize City Manager, Benjamin Gallegos, to sign said Agreement in behalf of the City.

NOW, THEREFORE, the City and the EDC agree as follows:

The Agreement between the City of Firebaugh and the Economic Development Corporation serving Fresno County, attached hereto and incorporated herein by reference, is authorized to be signed by City Manager, Benjamin Gallegos, approved and adopted by Resolution No. 18-25.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 4th day of June, 2018, by the following vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Felipe Perez, Mayor

Rita Lozano, Deputy City Clerk

**AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE ECONOMIC
DEVELOPMENT CORPORATION SERVING FRESNO COUNTY FOR FISCAL
YEAR 2018-19**

This Agreement is made and entered into this 1st day of July, 2018, by and between the City of Firebaugh ("City") and the Economic Development Corporation ("EDC").

RECITALS

WHEREAS, the City is committed to a balanced and diversified economy as one of its most important priorities to ensure the future well-being of the citizens of Firebaugh; and

WHEREAS, the City has invested considerable resources to encourage a Firebaugh location for new and expanding businesses and industries and to ensure the economic vitality of commercial areas; and

WHEREAS, EDC continues to maintain regional, national, and international marketing and promotional efforts to attract the location and expansion of businesses and industries in all of the communities within Fresno County; and

WHEREAS, the State of California (State) has designated the EDC as its regional contact and referral point for businesses and industries that contact the State while seeking a location for new or expanded facilities; and

WHEREAS, the City seeks to enhance its support of the EDC in order to utilize the unique position the EDC maintains within the business community, and to promote economic growth in the City; and

WHEREAS, the City recognizes the Fresno County Region's economic future is a top priority which demands focus and leadership by the EDC;

AGREEMENT

NOW, THEREFORE, the City and the EDC agree as follows:

1. The EDC agrees to assist the City in promoting its economic growth by providing the following services to the City:
 - (a) Provide information to industrial and office representatives not currently located in the City for the purpose of recruiting new businesses and industries to the City.
 - (b) Maintain and update marketing materials used to attract new investment to the City.

- (c) Assist existing City businesses and industries that contact the EDC with informational and technical assistance needs through the BEAR Action Network.
- (d) Market the City to commercial and industrial brokers, developers, site selectors, and businesses.
- (e) Serve as a distribution point for the City's economic development materials.
- (f) BEAR Action Network will work towards fostering a closer working relationship with local business associations to enhance the accessibility of EDC and BEAR Action Network services to City employers. Level of partnership is dependent on willingness and capacity of local business associations to participate.
- (g) Provide City of Firebaugh points-of-contact with login information and training on EDC Fresno County Cities self-management portal which offers the ability to keep up-to-date information on parcel availability and an economic profile.
- (h) Continue its leadership role in the promotion of High Speed Rail in Fresno County and the State and promote the City for business opportunities and housing.
- (i) Assist City of Firebaugh point-of-contact in fully utilizing social media and online marketing tools to advance economic and community development efforts in the City of Firebaugh.
- (j) The EDC will inform the City of Firebaugh of legislation important to the Economic and Community Development of the region and advocate on their behalf.
- (k) The EDC shall submit quarterly reports to the City of Firebaugh, detailing the progress of the EDC's activities.
- (l) The EDC shall assist in identifying economic development projects on the City's behalf for inclusion in the County of Fresno's Comprehensive Economic Development Strategy (CEDS) for possible grant funding.
- (m) The EDC and the City recognize the need for updated industry and market data to aid in business attraction and to guide internal decision making. The EDC and the City understand that this sought-after data is not available on the public domain but can be procured to develop targeted reports such as a retail leakage/gap analysis. Should the EDC procure such a resource, the City of Firebaugh will supplement the FY18-19 contract amount by no more than \$4,000. In return, the

City will be provided with an updated retail leakage/gap analysis at the City Manager's request.

2. For performance of the services described in Section 1, paragraphs (a) through (l), the City agrees to pay the EDC the amount of six thousand dollars (\$6,000.00) in one installment. The EDC will provide quarterly reports commencing July 1, 2018.

At the City's request, for completion of services described in Section 1, paragraph (m), the City agrees to pay the EDC the amount of four thousand dollars (\$4,000.00) in one installment.

3. It is understood and agreed that in the performance of this agreement the EDC is an independent contractor. The EDC shall take out and maintain Workers' Compensation, State Disability, and other insurance coverage as required by law and shall in all other respects comply with applicable provisions of federal, state, and local laws, rules and regulations.
4. The EDC shall indemnify, hold harmless, and defend the City, its officers, agents, and employees, from all claims for money, damages, or other relief arising in any form from the performance of this Agreement by the EDC, its officers, agents, or employees. The EDC shall take out and maintain for the full term of this Agreement liability insurance providing protection for personal injury, wrongful death, and property damage; such insurance to be in amounts and issued by carriers acceptable to the City. The EDC shall provide the City with a Certificate of Insurance evidencing such coverage.
5. The funds provided EDC by the City pursuant to this agreement shall not be directly or indirectly used for any political purpose whatsoever. This prohibition includes, but is not limited to, campaigns, events, promotions, literature, lobbying or other activities for, against or on behalf of any state, local or federal legislation, issue, candidate(s) or actions, whether partisan in nature or not.
6. This Agreement sets forth the entire understanding and agreement among the parties with respect to the subject matter hereof and supersedes any prior or contemporaneous oral and-or written agreements or representations.
7. This Agreement may not be altered or amended in any of its provisions except by the mutual written agreement of the parties.
8. This Agreement may be executed in counterparts with the same force and effects as if executed in one complete document.

IN WITNESS WHEREOF, parties have executed this Agreement as of the day of the year first hereinabove written.

CITY OF FIREBAUGH

ECONOMIC DEVELOPMENT CORPORATION
SERVING FRESNO COUNTY

BY: _____

Benjamin Gallegos, City Manager

BY: _____

Lee Ann Eager, President/CEO

DATED: _____

DATED: _____



TO: Mayor Felipe Perez and Council Members
FROM: Pio Martin, Finance Director
DATE: June 04, 2018
SUBJECT: Street Funds Preliminary Budgets;

Presentation of Street Funds Preliminary Budgets

➤ Street Revenue and Expense

- Line Item 3655 Loan Repayment, State will reimburse Cities for the next two fiscal years for funds borrowed by the State general fund from Highway Users Tax fund.
- Fund 013 Road Maintenance & Rehabilitation Account (RMRA), Street department will be repaving, curb and gutter on Q Street from "P" Street to 15th Street. This project is estimated to cost \$592,000; Fund 013 RMRA \$136,203. This project will be shared with Fund 028 TDA and Fund 035 Measure C.
- Transportation Development Act (TDA) Fund 028, Street department will be repaving, curb and gutter on Q Street from "P" Street to 15th Street. This project is estimated to cost \$592,000; Fund 013 Road Maintenance & Rehab Account (RMRA) \$136,203; Fund 028 will fund \$227,900 of this project, \$94,000 will come from reserve funds. This project will be shared with Fund 013 RMRA and Fund 035 Measure C.
- Measure C Fund 035, Street department will be repaving, curb and gutter on Q Street from "P" Street to 15th Street. This project is estimated to cost \$592,000, Fund 035 will fund \$227,900 of this project, \$82,000 will come from reserve funds. This project will be shared with Fund 013 RMRA and Fund 028 Transportation Development Act (TDA).

Fund	Revenue	Salaries	Operation Expense	Net Revenue
Streets Funds	\$1,075,612	199,792	778,040	97,780

<u>REVENUE</u>	<u>DESCRIPTION</u>	<u>3YR AVERAGE</u>		<u>FY18-B</u>		<u>FY18-A</u>		<u>FY19</u>
3301	INTEREST INCOME	\$	960	\$	685	\$	1,573	\$ 1,515
3601	LTF ARTICLE VIII (STS & RDS)	\$	474,872	\$	512,605	\$	250,147	\$ 538,105
3602	LTF Article III	\$	5,243	\$	5,748	\$	-	\$ 5,774
3650	GAS TAX (HUTA 2103)	\$	46,443	\$	32,647	\$	23,904	\$ 62,882
3651	GAS TAX (2105)	\$	43,976	\$	47,393	\$	30,040	\$ 47,221
3652	GAS TAX (2106)	\$	28,319	\$	33,424	\$	18,677	\$ 38,001
3653	GAS TAX (2107)	\$	57,215	\$	61,225	\$	38,125	\$ 58,587
3654	GAS TAX (2107.5)	\$	2,667	\$	2,000	\$	2,000	\$ 2,000
3655	LOAN REPAYMENT	\$	-	\$	9,330	\$	9,324	\$ 9,324
3656	ROAD MAINTENANCE & REHAB ACCT	\$	-	\$	47,022	\$	10,711	\$ 136,203
3900	TRANSFER IN	\$	-	\$	-	\$	-	\$ 176,000
<i>Total Revenue</i>			<u>659,696</u>		<u>752,079</u>		<u>384,501</u>	<u>1,075,612</u>
<i>Percentage Increase / (Decrease)</i>			0.00%		11.88%			30.08%
<i>Dollar Amount Increase / (Decrease)</i>		\$	-		79,888			323,533

General Fund Salaries Expenses

EXPENSE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
1000	Salaries & Wages	\$ 118,107	\$ 104,068	\$ 75,131	\$ 113,905
1002	Wages/Mechanic, Janitor	\$ 2,498	\$ 5,857	\$ 5,089	\$ 6,751
1005	Overtime	\$ 434	\$ 310	\$ 247	\$ 250
1010	Fica	\$ 8,474	\$ 8,433	\$ 5,318	\$ 9,249
1011	Health Insurance	\$ 27,890	\$ 26,440	\$ 18,286	\$ 31,847
1013	Pers Retirement	\$ 21,385	\$ 15,755	\$ 8,014	\$ 13,752
1015	Workers Compensation	\$ 10,132	\$ 14,531	\$ 9,927	\$ 12,951
1022	Unfunded Liability Calpers	\$ 5,697	\$ 6,498	\$ 8,032	\$ 11,087
Total Salaries		\$ 194,616	\$ 181,892	\$ 130,043	\$ 199,792
Percentage Increase / (Decrease)		0.23%	0.00%		8.96%
Dollar Amount Increase / (Decrease)		\$ 441	\$ (922)		\$ 17,900
2013	Gasoline, Oil & Lubricants	\$ 9,215	\$ 8,000	\$ 7,034	\$ 8,500
2014	Tires, Batteries & Accessories	\$ 116	\$ 350	\$ 701	\$ 850
2015	Traffic Signs, Signals & Accessories	\$ 5,098	\$ 6,500	\$ 3,670	\$ 4,500
2501	Advertisement	\$ 44	\$ -	\$ 1,730	\$ 2,000
2502	Insurance & Surety Bonds	\$ 5,624	\$ 5,368	\$ 5,201	\$ 6,200
2503	Dues/Fees	\$ 333	\$ 975	\$ 484	\$ 490
2523	Telephone	\$ 567	\$ 620	\$ 563	\$ 700
2526	Electricity & Gas	\$ 83,719	\$ 93,000	\$ 78,675	\$ 94,000
3001	Small Tools	\$ 684	\$ 700	\$ 388	\$ 500
3002	Rent/Lease/Equipment	\$ -	\$ 500	\$ -	\$ 500
3008	Sidewalks, Curbs & Bike Lanes	\$ 3,338	\$ 12,000	\$ 1,075	\$ 12,000
3012	Repair Equipment	\$ 1,279	\$ 2,000	\$ 1,635	\$ 2,000
3018	Street Painting	\$ 1,824	\$ 2,500	\$ 1,047	\$ 2,500
3021	Street Sweeper Repair	\$ 5,694	\$ 7,000	\$ 4,316	\$ 5,300
3022	Streets & Road Repair	\$ 20,169	\$ 35,000	\$ 15,143	\$ 30,000
3506	Engineering	\$ 23,083	\$ 20,500	\$ 28,561	\$ 16,000
4102	Preliminary Engineering	\$ -	\$ 36,800	\$ 534	\$ 37,000

General Fund Salaries Expenses

EXPENSE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
4103	Construction Engeneering	\$ -	\$ 55,200	\$ -	\$ 56,000
4104	Construction	\$ -	\$ 368,000	\$ -	\$ 499,000
5305	Street Improvements	\$ 76,200	\$ -	\$ 77,913	\$ -
Total Expenses		\$ 236,987	\$ 655,013	\$ 228,670	\$ 778,040
Percentage Increase / (Decrease)		-0.02%	73.66%		15.81%
Dollar Amount Increase / (Decrease)		\$ (42)	\$ 277,829		\$ 123,027
Total Salaries and Expenses		\$ 431,602	\$ 836,905	\$ 358,713	\$ 977,832
Percentage Increase / (Decrease)		0.09%	49.45%		14.41%
Dollar Amount Increase / (Decrease)		\$ 399	\$ 276,907		\$ 140,927
Total Net		\$ 228,093	\$ (84,826)	\$ 25,789	\$ 97,780
Percentage Increase / (Decrease)		-0.17%	-175.61%		186.75%
Dollar Amount Increase / (Decrease)		\$ (399)	\$ (197,020)		\$ 182,606

REVENUE		DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3301	INTEREST INCOME	\$	227	\$ -	\$ 359	\$ 440
3651	GAS TAX (2105)	\$	43,976	\$ 47,393.00	\$ 30,040.49	\$ 47,221
3652	GAS TAX (2106)	\$	28,319	\$ 33,424.00	\$ 18,677.10	\$ 38,001
3653	GAS TAX (2107)	\$	57,215	\$ 61,225.00	\$ 38,124.69	\$ 58,587
3654	GAS TAX (2107.5)	\$	2,667	\$ 2,000.00	\$ 2,000.00	\$ 2,000
3655	LOAN REPAYMENT	\$	-	\$ 9,330.00	\$ 9,324	\$ 9,324
Total Revenue			132,404	153,372	98,525	155,573
Percentage Increase / (Decrease)			0.00%	19.15%		1.41%
Dollar Amount Increase / (Decrease)			(0)	24,648		2,201

EXPENSE	DESCRIPTION	3 YR AVERAGE		FY18-B	FY18-A	FY19
2015	TRAFFIC SIGNS, SIGNALS & ACCESSORIES	\$	5,098	\$ 6,500	\$ 3,670	\$ 4,500
2526	ELECTRICITY & GAS	\$	83,719	\$ 93,000	\$ 78,675	\$ 94,000
3001	SMALL TOOLS	\$	684	\$ 700	\$ 388	\$ 500
3012	REPAIR EQUIPMENT	\$	1,279	\$ 2,000	\$ 1,635	\$ 2,000
3018	STREET PAINTING	\$	1,824	\$ 2,500	\$ 1,047	\$ 2,500
3022	STREETS & ROAD REPAIR	\$	13,495	\$ 15,000	\$ 6,903	\$ 10,000
5305	STREET IMPROVEMENTS	\$	16,230	\$ -	\$ 76,015	\$ -
Total Expenses		\$	122,330	\$ 119,700	\$ 168,332	\$ 113,500
Percentage Increase / (Decrease)			0.00%	-26.45%		-5.46%
Dollar Amount Increase / (Decrease)		\$	0	\$ (43,041)		\$ (6,200)
Total Net		\$	10,075	\$ 33,672	\$ (69,807)	\$ 42,073
Percentage Increase / (Decrease)			0.00%	-198.98%		19.97%
Dollar Amount Increase / (Decrease)		\$	(0)	\$ 67,689		\$ 8,401

REVENUE	DESCRIPTION	3YR AVERAGE	FY18-B	FY18-A	FY19
3656	ROAD MAINTENANCE & REHAB ACCT	\$ -	\$ 47,022	\$ 10,711	\$ 136,203
Total Revenue		-	\$ 47,022	\$ 10,711	\$ 136,203
Percentage Increase / (Decrease)		0.00%	0.00%		65.48%
Dollar Amount Increase / (Decrease)		-	\$ 47,022	\$	89,181

EXPENSE	DESCRIPTION	3 YR AVERAGE	FY18-B	FY18-A	FY19
4104	CONSTRUCTION	\$ -	\$ -	\$ -	\$ 136,200
	Total Expenses	\$ -	\$ -	\$ -	\$ 136,200
	Percentage Increase / (Decrease)	0.00%		0.00%	100.00%
	Dollar Amount Increase / (Decrease)	\$ -		\$ -	\$ 136,200
	Total Net	\$ -	\$ 10,711	\$ 47,022	\$ 3
	Percentage Increase / (Decrease)	0.00%		0.00%	0.00%
	Dollar Amount Increase / (Decrease)	\$ -		\$ 47,022	\$ (47,019)

REVENUE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3301	INTEREST INCOME	\$ 9	\$ 10	\$ 13	\$ 15
3602	LTF Article III	\$ 5,243	\$ 5,748	\$ -	\$ 5,774
Total Revenue		\$ 5,252	\$ 5,758	\$ 13	\$ 5,789
Percentage Increase / (Decrease)		0.00%	-0.64%		0.54%
Dollar Amount Increase / (Decrease)		\$ -	\$ (37)		\$ 31

EXPENSE	DESCRIPTION	3 YR AVERAGE	FY18-B	FY18-A	FY19
3008 SIDEWALKS, CURBS & BIKE LANES		\$ -	\$ 2,000	\$ -	\$ 2,000
	Total Expenses	\$ -	\$ 2,000	\$ -	\$ 2,000
	Percentage Increase / (Decrease)	0.00%	0.00%		0.00%
	Dollar Amount Increase / (Decrease)	\$ -	\$ 2,000		\$ -
	Total Net	\$ 5,252	\$ 3,758	\$ 13	\$ 3,789
	Percentage Increase / (Decrease)	0.00%	-35.15%		0.82%
	Dollar Amount Increase / (Decrease)	\$ -	\$ (2,037)		\$ 31

REVENUE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3301	INTEREST INCOME	\$ 306	\$ 275	\$ 575	\$ 300
3601	LTF ARTICLE VIII (STS & RDS)	\$ 218,390	\$ 245,385	\$ 21,821	\$ 260,705
3900	TRANSFER IN	\$ -	\$ -	\$ -	\$ 94,000
Total Revenue		\$ 218,697	\$ 245,660	\$ 22,395	\$ 355,005
Percentage Increase / (Decrease)		0.00%	-1.37%		30.80%
Dollar Amount Increase / (Decrease)		\$ 0	\$ (3,419)		\$ 109,345

EXPENSE	DESCRIPTION	3 YR AVERAGE	FY18-B	FY18-A	FY19
1000	SALARIES & WAGES	\$ 52,449	48,051	37,371	56,961
1005	OVERTIME	\$ 166	50	76	50
1010	FICA	\$ 3,256	3,680	2,014	4,361
1011	HEALTH INSURANCE	\$ 11,372	10,557	7,276	16,362
1013	PERS RETIREMENT	\$ 8,083	5,753	2,901	5,729
1015	WORKERS COMPENSATION	\$ 4,517	6,352	4,538	4,363
1022	UNFUNDED LIABILITY CALPERS	\$ 2,624	2,373	4,271	5,280
Total Salaries		\$ 82,467	\$ 76,816	\$ 58,448	\$ 93,106
Percentage Increase / (Decrease)		0.00%	0.00%		17.50%
Dollar Amount Increase / (Decrease)		\$ 0	\$ (6,039)		\$ 16,290
2013	GASOLINE, OIL & LUBRICANTS	\$ 4,256	\$ 4,000	\$ 3,053	\$ 3,700
2014	TIRES, BATTERIES & ACCESSORIES	\$ 116	\$ 350	\$ 701	\$ 850
2501	ADVERTISEMENT	\$ 44	\$ -	\$ 1,730	\$ 2,000
2502	INSURANCE & SURETY BONDS	\$ 2,323	\$ 2,559	\$ 2,479	\$ 3,000
2523	TELEPHONE	\$ 55	\$ 50	\$ 20	\$ 25
3008	SIDEWALKS, CURBS & BIKE LANES	\$ 3,338	\$ 10,000	\$ 1,075	\$ 10,000
3021	STREET SWEEPER REPAIR	\$ 5,694	\$ 7,000	\$ 4,316	\$ 5,300
3506	ENGINEERING	\$ 6,874	\$ 8,500	\$ 2,225	\$ 8,500
4102	PRELIMINARY ENGINEERING	\$ -	\$ 18,553	\$ 534	\$ 18,500
4103	CONSTRUCTION ENGINEERING	\$ -	\$ 27,830	\$ -	\$ 28,000
4104	CONSTRUCTION	\$ -	\$ 185,531	\$ -	\$ 181,400
5305	STREET IMPROVEMENTS	\$ 59,970	\$ -	\$ 1,898	\$ -
Total Expenses		\$ 82,670	\$ 264,373	\$ 18,031	\$ 261,275
Percentage Increase / (Decrease)		0.00%	34.84%		-1.19%
Dollar Amount Increase / (Decrease)		\$ (0)	\$ 68,302		\$ (3,098)
Total Salaries and Expenses		\$ 165,136	\$ 341,189	\$ 76,480	\$ 354,381
Percentage Increase / (Decrease)		0.00%	22.32%		3.72%
Dollar Amount Increase / (Decrease)		\$ 0	\$ 62,262		\$ 13,192
Total Net		\$ 53,560	\$ (95,529)	\$ (54,084)	\$ 624
Percentage Increase / (Decrease)		0.00%	220.05%		15409.13%
Dollar Amount Increase / (Decrease)		\$ 0	\$ (65,681)		\$ 96,153

REVENUE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3301	INTEREST INCOME	\$ 195	\$ 200	\$ 287	\$ 350
3601	LTF ARTICLE VIII (STS & RDS)	\$ 117,660	\$ 122,380.00	\$ 105,402.05	\$ 127,000
Total Revenue		117,855	122,580	105,689	127,350
Percentage Increase / (Decrease)		0.00%	2.25%		3.75%
Dollar Amount Increase / (Decrease)		\$ -	2,695		4,770

EXPENSE DESCRIPTION	3 YR AVERAGE		FY18-B	FY18-A	FY19
1000 SALARIES & WAGES	\$	38,089	\$ 41,934	\$ 29,649	\$ 43,940
1002 WAGES/MECHANIC, JANITOR	\$	2,498	\$ 5,857	\$ 5,089	\$ 6,751
1005 OVERTIME	\$	178	\$ 180	\$ 125	\$ 100
1010 FICA	\$	3,028	\$ 3,670	\$ 2,633	\$ 3,886
1011 HEALTH INSURANCE	\$	9,516	\$ 10,076	\$ 8,961	\$ 12,406
1013 PERS RETIREMENT	\$	7,423	\$ 6,452	\$ 3,850	\$ 6,271
1015 WORKERS COMPENSATION	\$	3,162	\$ 5,389	\$ 3,850	\$ 5,658
1022 UNFUNDED LIABILITY CALPERS	\$	1,749	\$ 2,661	\$ 2,696	\$ 4,635
Total Salaries	\$	65,642	\$ 76,219	\$ 56,854	\$ 83,647
Percentage Increase / (Decrease)		0.00%	0.00%		8.88%
Dollar Amount Increase / (Decrease)	\$	(0)	\$ 9,612	\$	7,428
2013 GASOLINE, OIL & LUBRICANTS	\$	4,959	\$ 4,000	\$ 3,981	\$ 4,800
2502 INSURANCE & SURETY BONDS	\$	1,732	\$ 1,831	\$ 1,774	\$ 2,000
2503 DUES/FEES	\$	333	\$ 975	\$ 484	\$ 490
2523 TELEPHONE	\$	304	\$ 350	\$ 328	\$ 400
3002 RENT/LEASE/EQUIPMENT	\$	-	\$ 500	\$ -	\$ 500
3022 STREETS & ROAD REPAIR	\$	6,674	\$ 20,000	\$ 8,240	\$ 20,000
3506 ENGINEERING	\$	313	\$ -	\$ 3,532	\$ 3,500
Total Expenses	\$	14,314	\$ 27,656	\$ 18,339	\$ 31,690
Percentage Increase / (Decrease)		0.00%	210.13%		12.73%
Dollar Amount Increase / (Decrease)	\$	0	\$ 18,738	\$	4,034
Total Salaries and Expenses	\$	79,956	\$ 103,875	\$ 75,193	\$ 115,337
Percentage Increase / (Decrease)		0.00%	37.54%		9.94%
Dollar Amount Increase / (Decrease)	\$	-	\$ 28,351	\$	11,462
Total Net	\$	37,899	\$ 18,705	\$ 30,496	\$ 12,013
Percentage Increase / (Decrease)		0.00%	-57.83%		-55.71%
Dollar Amount Increase / (Decrease)	\$	0	\$ (25,656)	\$	(6,692)

REVENUE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3301	INTEREST INCOME	\$ 7	\$ -	\$ 10	\$ 10
3601	LTF ARTICLE VIII (STS & RDS)	\$ 3,974	\$ 4,283	\$ 3,575	\$ 4,400
Total Revenue		\$ 3,981	\$ 4,283	\$ 3,585	\$ 4,410
Percentage Increase / (Decrease)		0.00%	5.80%		2.88%
Dollar Amount Increase / (Decrease)		\$ 0	\$ 235	\$	127

EXPENSE	DESCRIPTION	3 YR AVERAGE	FY18-B	FY18-A	FY19
3506	ENGINEERING	\$ 2,889	\$ 4,000	\$ 192	\$ 4,000
	Total Expenses	\$ 2,889	\$ 4,000	\$ 192	\$ 4,000
	Percentage Increase / (Decrease)	-1.43%	8862.58%		0.00%
	Dollar Amount Increase / (Decrease)	\$ (42)	\$ 3,955		\$ -
	Total Net	\$ 1,092	\$ 283	\$ 3,393	\$ 410
	Percentage Increase / (Decrease)	4.00%	-92.93%		30.98%
	Dollar Amount Increase / (Decrease)	\$ 42	\$ (3,721)		\$ 127

REVENUE	DESCRIPTION	3YR AVERAGE		FY18-B		FY18-A		FY19
3301	INTEREST INCOME	\$	217	\$	200	\$	329	\$ 400
3601	LTF ARTICLE VIII (STS & RDS)	\$	134,847	\$	140,557	\$	119,350	\$ 146,000
3900	TRANSFER IN	\$	-	\$	-	\$	-	\$ 82,000
Total Revenue		\$	135,064	\$	140,757	\$	119,679	\$ 228,400
Percentage Increase / (Decrease)			0.00%		2.31%			38.37%
Dollar Amount Increase / (Decrease)		\$	-		3,176			87,643

EXPENSE	DESCRIPTION	3 YR AVERAGE		FY18-B		FY18-A	FY19
3506	ENGINEERING	\$	13,008	\$	8,000	\$ 22,613	\$ -
4102	PRELIMINARY ENGINEERING	\$	-	\$	18,247	\$ -	\$ 18,500
4103	CONSTRUCTION ENGINEERING	\$	-	\$	27,370	\$ -	\$ 28,000
4104	CONSTRUCTION	\$	-	\$	182,469	\$ -	\$ 181,400
Total Expenses		\$	13,008	\$	236,086	\$ 22,613	\$ 227,900
Percentage Increase / (Decrease)			0.00%		2765.19%		-3.59%
Dollar Amount Increase / (Decrease)		\$	-	\$	227,846	\$	(8,186)
Total Net		\$	122,057	\$	(95,329)	\$ 97,066	\$ 500
Percentage Increase / (Decrease)			0.00%		-173.70%		19165.80%
Dollar Amount Increase / (Decrease)		\$	(0)	\$	(224,671)	\$	95,829

REVENUE	DESCRIPTION	3YR AVEAGE	FY18-B	FY18-A	FY19
3650	GAS TAX (HUTA 2103)	\$ 46,443	\$ 32,647	\$ 23,904	\$ 62,882
Total Revenue		\$ 46,443	\$ 32,647	\$ 23,904	\$ 62,882
Percentage Increase / (Decrease)		0.00%	20.56%		48.08%
Dollar Amount Increase / (Decrease)		\$ -	\$ 5,568		\$ 30,235

EXPENSE	DESCRIPTION	3 YR AVERAGE	FY18-B	FY18-A	FY19
1000	SALARIES & WAGES	\$ 27,568	\$ 14,083	\$ 8,111	\$ 13,004
1005	OVERTIME	\$ 90	\$ 80	\$ 45	\$ 100
1010	FICA	\$ 2,190	\$ 1,083	\$ 671	\$ 1,002
1011	HEALTH INSURANCE	\$ 7,001	\$ 5,807	\$ 2,049	\$ 3,079
1013	PERS RETIREMENT	\$ 5,880	\$ 3,550	\$ 1,262	\$ 1,752
1015	WORKERS COMPENSATION	\$ 2,453	\$ 2,790	\$ 1,538	\$ 2,930
1022	UNFUNDED LIABILITY CALPERS	\$ 1,324	\$ 1,464	\$ 1,065	\$ 1,172
Total Salaries		\$ 46,506	\$ 28,857	\$ 14,740	\$ 23,039
Percentage Increase / (Decrease)		0.96%	0.00%		-25.25%
Dollar Amount Increase / (Decrease)		\$ 441	\$ (4,495)	\$	(5,818)
2502	INSURANCE & SURETY BONDS	\$ 1,569	\$ 978	\$ 948	\$ 1,200
2523	TELEPHONE	\$ 209	\$ 220	\$ 216	\$ 275
Total Expenses		\$ 1,778	\$ 1,198	\$ 1,163	\$ 1,475
Percentage Increase / (Decrease)		0.00%	2.48%		18.78%
Dollar Amount Increase / (Decrease)		\$ -	\$ 29	\$	277
Total Salaries and Expenses		\$ 48,284	\$ 30,055	\$ 15,903	\$ 24,514
Percentage Increase / (Decrease)		0.92%	-12.94%		-22.60%
Dollar Amount Increase / (Decrease)		\$ 441	\$ (4,466)	\$	(5,541)
Total Net		\$ (1,841)	\$ 2,592	\$ 8,001	\$ 38,368
Percentage Increase / (Decrease)		31.54%	-134.83%		93.24%
Dollar Amount Increase / (Decrease)		\$ (441)	\$ 10,034	\$	35,776

